

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

CARL EVANS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 3:06-0339
	)	Judge Echols
	)	
LAW OFFICE OF LEITNER,	)	
WILLIAMS, DOOLEY & NAPOLITAN,	)	
PLLC, et al.,	)	
	)	
Defendants.	)	

ORDER

This matter is before the Court on a Report and Recommendation ("R & R") (Docket Entry No. 4) in which the Magistrate Judge recommends dismissing this action without prejudice under 28 U.S.C. § 1915(e)(2). The basis for that recommendation is that Plaintiff's pro se Complaint for defamation and emotional distress fails to state an arguable claim upon which federal jurisdiction can be asserted.

The R & R was entered on May 25, 2006. Even though the Magistrate Judge specifically informed Plaintiff in the R & R that he needed to file any objection to the R & R within ten days (Docket Entry No. 4 at 2), no such objections have been filed.

Upon review of an R & R, the Court "shall make a *de novo* determination of the matter and may conduct a new hearing, take additional evidence, recall witnesses, recommit the matter to the

Magistrate Judge for further proceedings and consideration, conduct conferences with counsel for the affected parties, and receive additional arguments, either oral or written, as the District Judge may desire." L.R.M.J. 9(b)(3). See, Fed.R.Civ.P. 72(b).

This Court has reviewed Plaintiff's Complaint, Plaintiff's "Additional Proof" in which he states "[t]he Defendants in this case are not all from this state" (Docket Entry No. 3) and the R & R. The Court finds the Magistrate Judge employed the proper legal analysis in recommending dismissal because there is no federal claim involved and no allegation that there is complete diversity which would give this Court jurisdiction over Plaintiff's state law claims.

Accordingly, the Report and Recommendation (Docket Entry No. 4) is hereby ACCEPTED and this case is hereby DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1915(e)(2).

Entry of this Order on the docket shall constitute entry of a final judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", is written over a horizontal line.

ROBERT L. ECHOLS  
UNITED STATES DISTRICT JUDGE